

REMARKS

In the Office Action, the Examiner rejected claims 1-11 as being anticipated by US Patent 5,838,451 (McCarthy). By this amendment, claims 1, 4-5, 7-9 and 11 have been amended, and new claims 21-25 have been added. Applicants submit that support for the amendments can be found throughout the specification as filed. Upon entry of this Amendment, claims 1-11 and 21-25 are pending. For the reasons set forth hereinbelow, Applicants respectfully request that the §102 rejections of claims 1-11 be withdrawn.

Claims 1-4

Applicants have herein amended independent claim 1. Applicants submit that claim 1 is not anticipated by McCarthy because McCarthy fails to disclose each and every element of claim 1. *See* MPEP § 2131 (stating that a claim is anticipated only if each and every element as set forth in the claim is disclosed in a single prior art reference). More particularly, Applicants submit that McCarthy fails to disclose, among other things, “a temperature changing element for changing a temperature of said illuminator means” as recited in claim 1.

Claim 1 recites a “temperature changing element” which is a different element than the “illuminator means” also recited in claim 1. In the Office Action, the Examiner has indicated that the emitter 120 - emitter 121 – lens 122 combination disclosed by McCarthy corresponds to the “illuminator means” recited in claim 1. Applicants respectfully submit that McCarthy fails to

disclose a separate temperature changing element. Rather, Applicants submit that McCarthy, at lines 55-63 of column 2 thereof, merely discloses varying current through the emitters (120 or 121) to maintain the emitters at a constant temperature.

Therefore, Applicants submit that independent claim 1 is not anticipated by McCarthy because McCarthy fails to disclose each and every element of claim 1. For similar reasons, Applicants also submit that claims 2-4, which depend from claim 1, are not anticipated by McCarthy.

#### Claims 5-8

Applicants have herein amended independent claim 5. Applicants submit that claim 5 is not anticipated by McCarthy because McCarthy fails to disclose each and every element of claim 5. *See* MPEP § 2131 *id.* More particularly, Applicants submit that McCarthy fails to disclose, among other things, “control means for actively controlling a temperature of said illuminator wherein said control means includes a temperature sensing element thermally connected to said illuminator and a “temperature changing element” thermally connected to said illuminator” as recited in claim 5.

The control means recited in claim 5 recites a “temperature control element” which is a different element than the “illuminator” also recited in claim 5. Therefore, for reasons similar to those set forth hereinabove with respect to claim 1, Applicants submit that claim 5, and claims 6-8 which depend from claim 5, are not anticipated by McCarthy.

Claims 9-11

Applicants have herein amended independent claim 9. Applicants submit that claim 9 is not anticipated by McCarthy because McCarthy fails to disclose each and every element of claim 9. *See* MPEP § 2131 *id.* More particularly, Applicants submit that McCarthy fails to disclose, among other things, “controlling a heating element in thermal communication with the base to control a temperature of the at least one illuminator to enhance the uniformity of at least one output characteristic” as recited in claim 9.

As previously explained, McCarthy fails to disclose a heating element other than the emitters 120-121 (referred to in the Office Action as the illuminator recited in claim 9). Therefore, for reasons similar to those set forth hereinabove with respect to claim 1, Applicants submit that claim 9, and claims 10-11 which depend from claim 9, are not anticipated by McCarthy.

CONCLUSION

Applicants respectfully request a Notice of Allowance for the pending claims (1-11 and 21-25) in this application. If the Examiner believes that personal communication will expedite the prosecution of this application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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